

SENATE AMENDMENTS

2nd Printing

By: Metcalf, Bell, Keough, Perez, Murphy

H.B. No. 2358

A BILL TO BE ENTITLED

AN ACT

relating to the affidavit of a voter in a confirmation election for
a water district.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter D, Chapter 49, Water Code, is amended
by adding Section 49.1025 to read as follows:

Sec. 49.1025. VOTER AFFIDAVIT IN CONFIRMATION ELECTION.

(a) A voter in a district confirmation election, or any election to
authorize taxes and bonds held in conjunction with a district
confirmation election, must be a qualified voter of the district as
provided by the Election Code.

(b) In a district confirmation election, or any election to
authorize taxes and bonds held in conjunction with a district
confirmation election, a vote cast shall be an illegal vote, as
defined by Section 221.003(b), Election Code, and a district may
not count the vote of a person who:

(1) on the date of the election, was a developer of
property in the district;

(2) on the date of the election, was related within the
third degree of affinity or consanguinity to a developer of
property in the district;

(3) on the date of the election, was an employee of any
developer of property in the district; or

(4) has received monetary consideration from any

1 developer of property in the district in exchange for a vote.

2 (c) As part of the acceptance of a voter offering to vote in
3 a district confirmation election, as provided by Chapter 63,
4 Election Code, the election officer shall obtain a voter affidavit
5 from the voter in the form and with the contents specified in this
6 section. If the voter is unable or unwilling to complete the voter
7 affidavit, the voter may be accepted for provisional voting only
8 under Section 63.011, Election Code.

9 (d) The district shall submit original or certified copies
10 of voter affidavits to the office of the attorney general in a
11 transcript of proceedings of the confirmation election.

12 (e) The form of the voter affidavit shall be prescribed by
13 the office of the attorney general.

14 (f) The voter affidavit shall require the voter to state
15 under oath:

16 (1) that the voter resided within the boundaries of
17 the district on the date of the confirmation election, including
18 the address of such residence;

19 (2) the date that the voter moved into the district,
20 which shall be at least 30 days prior to the date of the election;
21 and

22 (3) the effective date of the voter's voter
23 registration and that to the best of the voter's knowledge, the
24 voter registration was valid and effective on the date of the
25 confirmation election for the district.

26 (g) The voter affidavit shall include each of the following
27 statements:

1 (1) "I am not, and was not on the date of the election:
2 (i) a developer of property in the district; (ii) related within the
3 third degree of affinity or consanguinity to a developer of
4 property in the district; or (iii) an employee of any developer of
5 property in the district."

6 (2) "I have not received monetary consideration from
7 any developer of property in the district in exchange for a vote."

8 (h) As used in this section, "developer of property in the
9 district" shall be defined as in Section 49.052(d).

10 (i) Compliance with the requirements of this section or the
11 validity of a voter affidavit may be challenged only in an election
12 contest brought under Title 14, Election Code.

13 SECTION 2. Section 49.102(e), Water Code, is amended to
14 read as follows:

15 (e) If a majority of the legal votes cast in the election
16 favor the creation of the district, then the temporary board shall
17 declare that the district is created and enter the result in its
18 minutes. If a majority of the legal votes cast in the election are
19 against the creation of the district, the temporary board shall
20 declare that the district was defeated and enter the result in its
21 minutes. A copy of the order shall be filed with the commission.

22 SECTION 3. This Act takes effect January 1, 2018.

ADOPTED

MAY 24 2017

Leroy Spaul
Secretary of the Senate

By: *L. W. Kolbe*

Substitute the following for H.B. No. 2358:

By: *[Signature]*

H.B. No. 2358

C.S.H.B. No. 2358

A BILL TO BE ENTITLED

AN ACT

relating to eligible voters in a confirmation election for a conservation and reclamation district.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter D, Chapter 49, Water Code, is amended by adding Section 49.1025 to read as follows:

Sec. 49.1025. QUALIFIED VOTERS IN CONFIRMATION ELECTION.

(a) In this section, "developer of property in the district" has the meaning assigned by Section 49.052(d).

(b) A voter in a confirmation election or an election held jointly with a confirmation election on the same date and in conjunction with the confirmation election to authorize taxes and bonds must be a qualified voter of the district. For the purposes of an election described by this subsection, a person is not a qualified voter if the person:

(1) on the date of the election:

(A) is a developer of property in the district;

(B) is related within the third degree of affinity or consanguinity to a developer of property in the district;

(C) is an employee of a developer of property in the district; or

(D) has resided in the district less than 30 days; or

1 (2) received monetary consideration from a developer
2 of property in the district in exchange for the person's vote.

3 (c) In addition to the procedures for accepting a voter
4 under Section 63.001, Election Code, the election officer shall
5 provide to the voter the form of the affidavit required by this
6 section. The election officer must receive a completed affidavit
7 before marking the voter as accepted under Section 63.001(e),
8 Election Code. If the voter does not submit a completed affidavit
9 to the election officer or the information stated on the affidavit
10 demonstrates the voter is not a qualified voter as provided by this
11 section, the voter may be accepted only to vote provisionally under
12 Section 63.011, Election Code.

13 (d) The district shall submit original or certified copies
14 of voter affidavits to the office of the attorney general in a
15 transcript of the proceedings of the confirmation election.

16 (e) The office of the attorney general shall prescribe the
17 form of the voter affidavit.

18 (f) The voter affidavit must require the voter to state
19 under oath:

20 (1) the address of the voter and that the voter resides
21 in the territory of the district;

22 (2) the date the voter changed the voter's residence to
23 the address provided under Subdivision (1); and

24 (3) that the voter, to the best of the voter's
25 knowledge, believes that the voter's registration is effective on
26 the date of the election.

27 (g) The affidavit must include the following statement:

1 "I am not a developer of property in the district, related within
2 the third degree of affinity or consanguinity to a developer of
3 property in the district, or an employee of a developer of property
4 in the district. I have not received monetary consideration from a
5 developer of property in the district for my vote in this election."

6 (h) Compliance with this section or the validity of a voter
7 affidavit may only be challenged in an election contest under Title
8 14, Election Code.

9 SECTION 2. This Act takes effect January 1, 2018.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 25, 2017

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2358 by Metcalf (Relating to eligible voters in a confirmation election for a conservation and reclamation district.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Water Code relating to eligible voters in a confirmation election for a conservation and reclamation district. The bill would require the Office of the Attorney General (OAG) to create a voter affidavit to be used in the elections. The OAG assumes any work associated from implementing the provisions of the bill can be done within existing resources.

The bill would take effect January 1, 2018.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 302 Office of the Attorney General

LBB Staff: UP, SD, SZ, GG, BM

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 19, 2017

TO: Honorable Charles Perry, Chair, Senate Committee on Agriculture, Water & Rural Affairs

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **HB2358** by Metcalf (relating to eligible voters in a confirmation election for a conservation and reclamation district.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Water Code relating to eligible voters in a confirmation election for a conservation and reclamation district. The bill would require the Office of the Attorney General (OAG) to create a voter affidavit to be used in the elections. The OAG assumes any work associated from implementing the provisions of the bill can be done within existing resources.

The bill would take effect January 1, 2018.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 302 Office of the Attorney General

LBB Staff: UP, SZ, GG, BM

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 10, 2017

TO: Honorable Charles Perry, Chair, Senate Committee on Agriculture, Water & Rural Affairs

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2358 by Metcalf (Relating to the affidavit of a voter in a confirmation election for a water district.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Water Code relating to a voter affidavit in an election for a water district. The bill would require the Office of the Attorney General (OAG) to create a voter affidavit to be used in the elections. The OAG assumes any work associated from implementing the provisions of the bill can be done within existing resources.

The bill would take effect January 1, 2018.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 302 Office of the Attorney General

LBB Staff: UP, SZ, GG, BM

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 18, 2017

TO: Honorable Lyle Larson, Chair, House Committee on Natural Resources

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2358 by Metcalf (Relating to the affidavit of a voter in a confirmation election for a water district.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Water Code relating to a voter affidavit in an election for a water district. The bill would require the Office of the Attorney General (OAG) to create a voter affidavit to be used in the elections. The OAG assumes any work associated from implementing the provisions of the bill can be done within existing resources.

The bill would take effect January 1, 2018.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 302 Office of the Attorney General

LBB Staff: UP, SZ, GG, BM